

If a Plumber Causes Damage by Mixing up The Hot and Cold Water Pipes, Is He Liable?

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Question: I built an extension on my house and made a new laundry room. My wife put the first load of laundry into the new washing machine and set the machine on the cold cycle. When she opened it at the end of the cycle, she realized that the plumber had mixed up the hot and cold water pipes, which had caused hot water to come out of the pipe that should have been cold water. This ruined all of the clothing in the wash. Is the plumber liable for this damage?

Answer: First of all, the plumber should not get paid for the job. Regarding whether or not he should be liable to pay for the ruined clothing, we would have to find a category of *mazik* to place him under.

The Rishonim say that *garmi* only applies if the damage occurs at the time of the damager's actions. In this case, the plumber made his mistake well before the woman did the laundry; therefore, he cannot be held liable because of *garmi*.

He also is definitely not *odom hamazik* as he did not do the damage directly. What he did could perhaps be classified as *bor* because when he mixed up the pipes he is akin to someone who dug a pit that can cause damage; however, *bor* is *potur* on *keilim*, so the plumber could not be held liable for damages to clothing because of *bor*.

The most likely *chiyuv* would be *aish*. If someone places an object in a place where it is likely to be moved by an outside force and cause damage, he can be held liable for *aish*. The problem is that one is only liable for *aish* if the object he placed is the thing that ends up causing the damage. In this instance, the damage was actually done by the water. The plumber did not put the water into the machine. He merely installed the pipes in a way that caused the water to be diverted the wrong way.

Thus, there doesn't seem to be a way to hold him accountable.

I would add that when we said that the plumber cannot be held liable with the rule of *garmi*, this was presuming that he was not a professional. If the homeowner had hired a professional plumber, perhaps the man could be held liable. The Gemara says that if a professional gives bad advice which leads to a loss of money, that professional can be held liable through the rule of *garmi*. This would mean that if a professional plumber said that the pipes were hooked up correctly when they really were not, he could be held liable for *garmi*.